EMPLOYER SUPPORT OF
THE GUARD AND RESERVE

Employer Support of the Guard and Reserve

ESGR

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Established by Presidential declaration in 1972, under the Office of the Secretary Defense

Operates programs as a field activity, on behalf of all National Guard and Reserve members

Includes 54 committees (every state, District of Columbia, Guam, Puerto Rico, and the the Virgin Islands) staffed by over 4,500 volunteers (business executives, civic and former military leaders)

Note: **1 volunteer per 194 Selective Reserve Members**

EMPLOYER SUPPORT OF
THE GUARD AND RESERVE

Readin
ess

Awarenes
s

Readiness

READINESS is: result of Employer support which is achieved through an open and honest dialogue between Reserve members, and their employers

**Training Awareness Behavior Support **

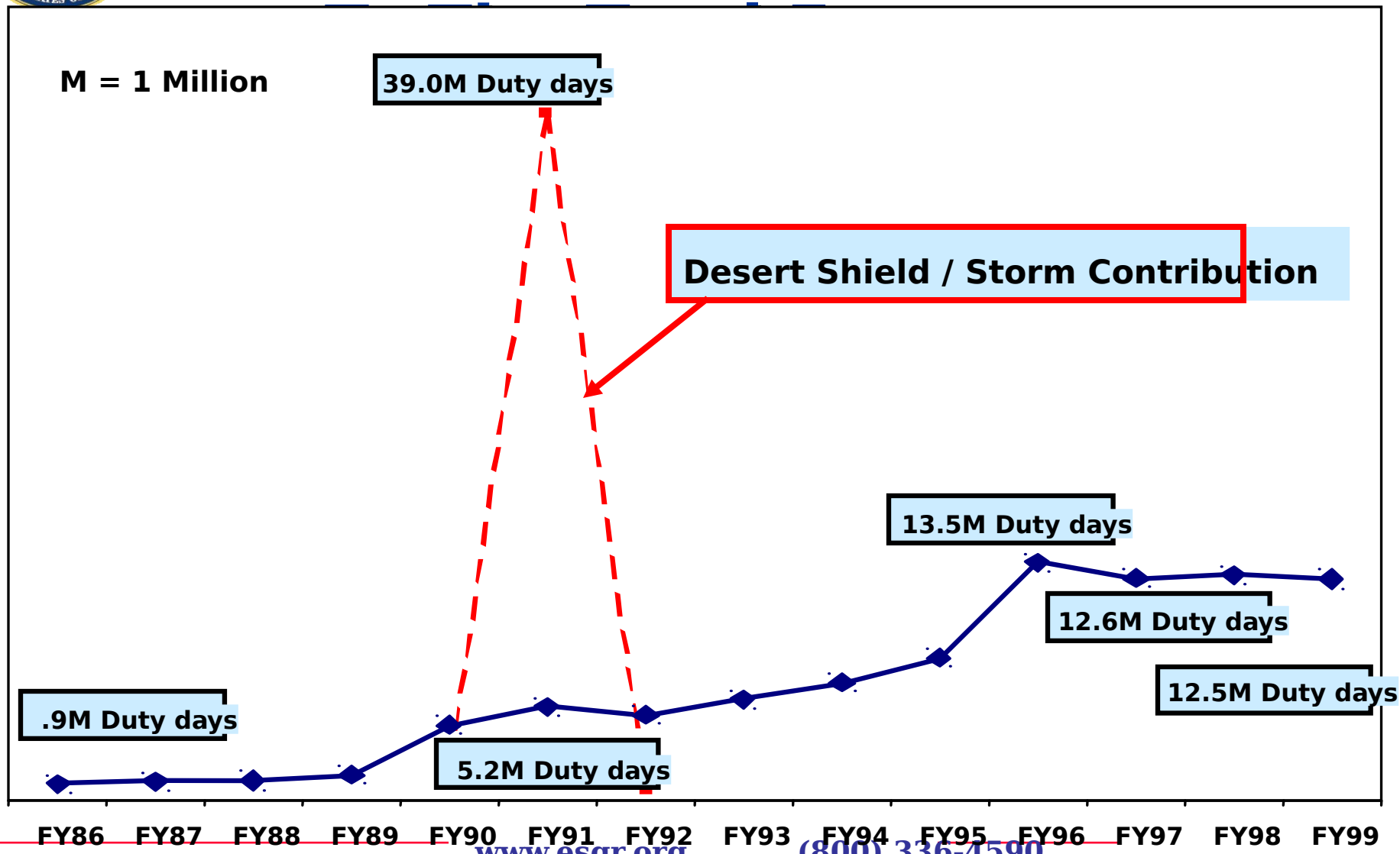
**Retention **

READINESS

Why is ESGR important?

- **60%** of military forces are now in Guard or Reserves
- **30-45%** of the Selected Reserve are self employed or work for small companies
- **6%** of our employers have had an affiliation with the military
- Increasing OPTEMPO (now **20** times busier than during the cold war)
- **35,000** Guard and Reserve members on active duty on any given day…in 77 countries
- **30%** of our Selected Reserve leave due to employer conflict

Reserve Component Contribution



EMPLOYER SUPPORT OF THE GUARD AND RESERVE

OPTEMPO

Of the approximately 13 million duty days performed by members of the RC in 1999, the distribution was as follows:

Army (NG and Reserve) performed an average of 9.57

564,000 RC members **5.4 million duty days**

Navy Reserve performed average an average of 18.98

137,000 RC members **2.6 million duty days**

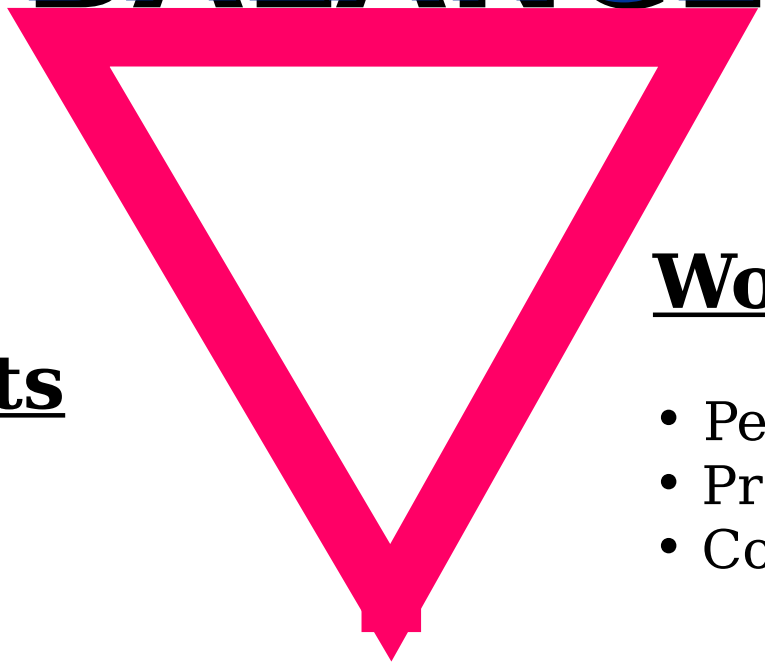
Air Force, (NG and Reserve) performed average of 25.99

177,000 RC members **4.6 million duty days for an**

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

CRITICAL BALANCE

Family Commitments



Military Requirements

- IADT
- IDT/AT
- ADT
- Development Training
- Mobilization

Work Requirem

- Performance Objective
- Promotions
- Co -Workers

Directives & Instructions

We work with DoD and Reserve Components to ensure ESGR and USERRA are incorporated into all appropriate regulations.

- **DoD Directive 1235.10 - Activation, Mobilization, and Demobilization of Ready Reserve**
- **DoD Directive 1250.1 - National Committee for Employer Support of Guard and Res.**
- **DoD Instructions 1205.12 - Civilian Employment and Reemployment Rights of .. "members"**
- **DoD Instruction 1205.22 - Employer Support of the Guard and Reserve**

Regulations changed (as of March 2000):

- **COMNAVRESFORINST 1250.2 - Employer Support of the Guard and Reserve**

Current Initiatives

We work with DoD and Reserve Componen
to ensure ESGR and USERRA are incorpor
into all appropriate functional areas:

- **Legal**
- **Personnel**
- **Recruiting**
- **Retention**
- **Training**
- **Plans**
- **Senior Enlisted**
- **Commanders**
- **Operations**

ESGR Programs

Public Service Announcements

Military Integration

Mission One

Briefing with the Boss

Bosslifts

Employer Recognition & Awards

Employer Statements of Support

Mobilization Assistance

Ombudsman Program (Informal

M1/Mob Support

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

- **Why ‘Mission One’/’Mob Support’?**
  - **Training:**
    - **Unit briefing**
    - **Mob briefing**
  - **Awareness:**
    - **Reservists rights and responsibilities**

Training Awareness Behavior Support Retention READINESS

Briefing w/Boss

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

- **Why 'Briefing with the Boss'?**
  - **Awareness:**
    - **Candid exchange of information between employer, unit leadership and the reservist**
    - **Role of the unit/reservist within the total force**
  - **Behavior:**
    - **Reservists is open and honest with employer**

Training → Awareness → Behavior → Support → Retention → READINESS

Bosslift

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

- **Why do a Bosslift?**
  - **Behavior:**
    - Employers see what our reservists are actually doing
  - **Support:**
    - Employers see that valuable training is being conducted
    - Military training enhances civilian job specialties

Training Awareness Behavior Support Retention READINESS

Employer Recognition and Awards

- **Why Reward your Employer?**
  - **Support:**
    - **Thank You for supporting me!**
  - **Retention:**
    - **It's a two way street**

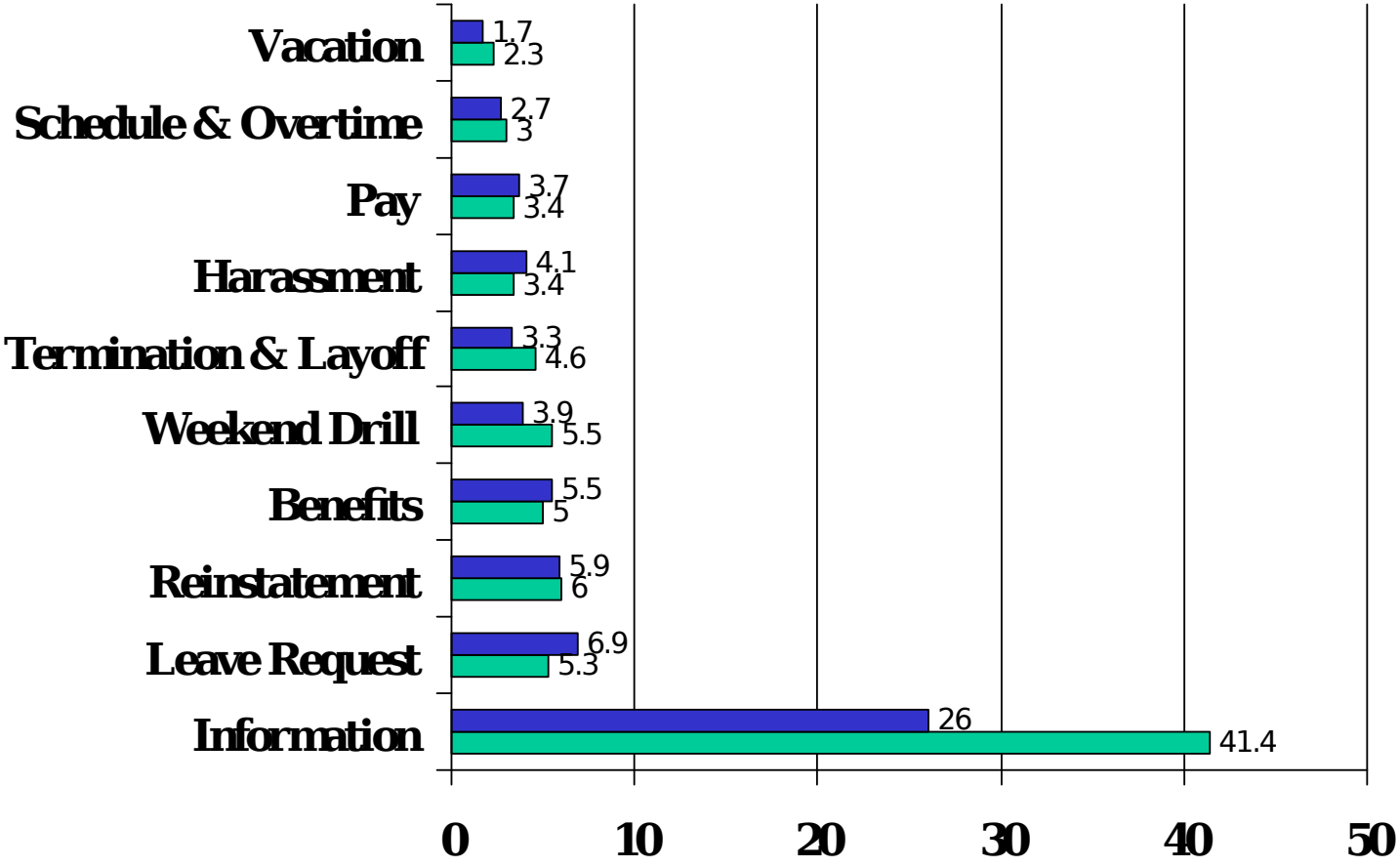
Training Awareness Behavior Support Retention READINESS

Ombudsman Services

- **What is the Ombudsman Program?**
  - **Awareness:**
    - **Providing literature**
    - **Unit briefings**
  - **Support:**
    - **Answering questions**
  - **Retention:**
    - **Understanding the law (USERRA)**

Training Awareness Behavior Support Retention READINESS

FY 00 Ombudsman Top Ten Issue Comparison of 7,874 total cases



(Expressed represent PERCENTAGES)

Statement of Support

Employers sign this statement and pl

- **They will neither deny employment nor limit or reduce job opportunities because of service in the Reserve components**
- **They will grant leaves of absence for military training**
- **They will ensure their Reserve employees are aware of these policies**

TOP EMPLOYER CONCERNS*

1. Reinstatement
2. Benefits
3. Excessive Orders
4. Leave Request
5. Weekend Drill

* As reported by ESGR Ombudsman Services

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Employer Inquiries

1. Predictability of start/end of military absences
2. Concerns about frequency of military service
3. Lack of timely notification of upcoming military duty
4. Employees not notifying employers that they are in the National Guard or Reserve
5. Identifying local unit commanders to contact

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

TOP RESERVISTS CONCERNS*

1. Weekend Drill
2. Harassment
3. Termination / Layoff
4. Leave Request
5. Reinstatement

* As reported by ESGR Ombudsman Services

EMPLOYER SUPPORT OF
THE GUARD AND RESERVE

THE LAW

USERRA

Uniformed Services Employment and Reemployment Rights Act*

38 USC 43

* Administered by Department of Labor

USERRA

Uniformed Services Employment and Reemployment Rights Act (Title 38 of United States Code, Chapter 43)

Prohibits discrimination against Guard/Reserve service

Ensures continued company benefits -- medical, dental, vision

Ensures participation in company pension, thrift savings, and stock options -- even during military duty

Permits member to file a claim against the employer if USERRA rights are violated

Requirements of USERRA for the Reservist:

- Provide advance notice -- written or oral
- Less than five years cumulative absence
- Serve under honorable conditions
- Timely return to civilian job
  - **30 days or less:** safe travel plus 8 hours
  - **31 to 180 days:** two weeks
  - **over 180 days: 90 days**

Requirements of USERRA for the Employer:

- Grant Leave of Absence
- Allow for safe travel and rest
- **Timely** reinstatement of member
- Grant status/seniority/benefits to returning member
- Train member, if necessary
- Do ***not*** discriminate in:
  - (employment, reemployment, or promotion)

EMPLOYER SUPPORT OF
THE GUARD AND RESERVE

Can an employee be required to use earned vacation while performing military service?

No

A person may not be forced to use earned vacation.

EMPLOYER SUPPORT OF
THE GUARD AND RESERVE

Is the returning employee always entitled to have the same job back?

Not always

- **Less than 91 days - job you *would have attained***
- **91 days or more - as above or position of *like seniority, status and pay***

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

What can you expect upon return from duty?

- Prompt reinstatement
- Accrued seniority
- Training or retraining
- Special protection from discharge
  - service of 31 - 180 days (180 days protection)
  - service 181 or more (one year protection)

College Students

Service members Opportunity Colleges (SOC) is a network of colleges and universities whose policies and programs are des to help meet the higher education needs of Service members.

SOC have acted as an informal mediator …

Contact the SOC program at:
1-800-368-5622 or (202) 667-0079
or FAX (202) 667-0622
or e-mail: socmail@aascu.org.

Mailing address for SOC is:
Service Members Opportunity Co
1307 New York Avenue, N.W., Fif
Washington, DC 20005-4701

READINESS

Employer Support is developed through a dialogue between employers, units and Reserve members

Dialogue ➡ Employer support ➡ readiness

NAVY Regulation

COMNAVRESFOR Instruction 1250.2
as of 16 May 97
Subject: ESGR

COMNAVRESFORINST 1250.2

- **Section 4. Action:**

4a. Commander, Naval Reserve Force (N1R) will:

4b. Commanders of echelon IIIs will:

4c. Commanders/commanding officers of echelon IVs will:

4d. Echelon V commands will:

4e. Reserve unit commanding officers/officers in charge are strongly encouraged to correspond with employers to include, but are not limited to:

COMNAVRESFORINST 1250.2

- **Section 5. Forms:**

5a. Invitational Travel Orders:

5b. “My Boss is a Patriot” form

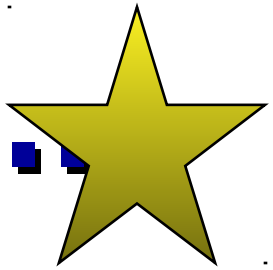
COMNAVRESFORINST 1250.2

- **Enclosure 1:**
  Employer Awards Program
- **Enclosure 2:**
  Mission One
- **Enclosure 3:**
  Ombudsman Program
- **Enclosure 4:**
  USERRA
- **Enclosure 5:**
  Sample Letters

How to get Help

- Unit representative (CO, CCC)
- Your local ESGR representative
- Ombudsman service
  - - Informal Mediation (1-800-336-4590)
- DoL/VETS
  - - Formal Investigation (93% resolved)
- Attorney General/Office of Special Counsel
- Private Counsel (out of pocket expense)

Bottom Line Reservist should ...



... know there is a **law** (USERRA) governing employment and reemployment rights

... ensure they understand the **basic tenets** of USERRA

... ensure they know **whom to contact** if they have employer questions or conflicts

More ESGR

Employer Support is achieved through an open and honest dialogue between Reservists and their employers

1-800-336-4590

www.esgr.org

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